



# **BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE**

## **A G E N D A**

**November 7, 2005**

*Commissioner Tom Moss, Chairman  
Commissioner Joe Ford, Chairman Pro Tempore  
Commissioner Marilyn Loeffel  
Commissioner George Flinn  
Commissioner John Willingham  
Commissioner Walter Bailey, Jr.  
Commissioner Julian T. Bolton*

*Commissioner Deidre Malone  
Commissioner Michael Hooks  
Commissioner Cleo Kirk  
Commissioner Joyce Avery  
Commissioner David Lillard  
Commissioner Bruce Thompson*

**1:30 P.M.**

**COMMISSION CONVENES**

**CALL TO ORDER**

**Deputy Sheriff Clayton Maclin**

**INVOCATION**

**Elder Jerry L. Taylor  
Holy City Church of God in Christ  
Administrative Assistant to Bishop Samuel Leon Lowe  
National Treasurer of the Churches of God in Christ**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Approval of Minutes of Previous Sessions**

## **C O N S E N T   A G E N D A**

**Resolutions of Memorial, Sympathy and Commendation**

**KIRK  
ADOPTED**

- 1. Resolution in honor of Dr. Joe C. Greer, newly appointed member of the Tennessee Board of Dentistry.**

**HOOKS  
ADOPTED**

- 2. Memorial Resolution honoring Mr. Percy Harvey, Education Advocate.**

### Ordinances

FORD  
APPROVED

5. ORDINANCE – SECOND READING – An Ordinance to amend Shelby County Code of Ordinances, Chapter 2, Article II, Division 2, entitled “Department of Purchasing; Sales; Contracts,” to add new Section 2-58 relative to the initiation of requests for proposals by County Commissioners.

FORD  
APPROVED

6. ORDINANCE – FIRST READING – An Ordinance approving and setting the salary of Mayor of Shelby County for the 2006-2010 term of office.

FORD  
APPROVED

7. ORDINANCE – FIRST READING – An Ordinance to approve and set the salary of the Board of Commissioners for the 2006-2010 term.

AVERY  
APPROVED

8. ORDINANCE – FIRST READING – An Ordinance by the Board of Commissioners for Shelby County, Tennessee, to amend Chapter 14.5 of the Code of Shelby County to retain the same Annual Emission Fee amount for calendar year 2004.

### Zoning and Subdivisions

LOEFFEL  
ADOPTED  
(A-D)

9. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.

### Reports and/or Resolutions of Standing Committees

KIRK  
ADOPTED

10. Resolution to amend the FY 2005 Operating Budget.

KIRK

11. Resolution to receive and file the Trustee’s annual financial report for the year ended June 30, 2005, in accordance with Tennessee Code Annotated Section 67-5-1902.

KIRK  
ADOPTED

12. Resolution approving contract with Premier Systems, Inc., in the amount of \$151,668.00 from FY 2005/2006 for parking spaces for Shelby County Government.

**LILLARD  
ADOPTED**

14. Resolution approving expenditure of funds by the Department of Homeland Security FY 2005/2006 Operating Budget in the amount of \$80,955.00 to JPS Communications, Inc., for the purchase of nine (9) ACU-T Tactical packages.

**LILLARD  
ADOPTED**

15. Resolution authorizing Change Order Number 4 to Contract Number CA043988 with White Contracting, Inc., for additional services in the construction of the improvements to Houston Levee Road at Raleigh LaGrange Road, appropriating funds in the amount of \$35,418.79 from the FY 2005/2006 Budget for CIP Project 100129, Houston Levee Road, and amending the FY 2005/2006 Budget.

**LILLARD  
ADOPTED**

16. Resolution establishing a limited program to maintain County owned properties and develop a comprehensive plan for disposal of these properties in the New Chicago neighborhood of Memphis and Shelby County.

**AVERY  
ADOPTED**

17. Resolution to approve a contract between the Memphis and Shelby County Health Department and the Tennessee Department of Health for the provision of Bioterrorism Program activities in the amount of \$1,048,500.00 for the period of July 1, 2005 – August 30, 2006 and amending the FY 2005/2006 Operating Budget.

**AVERY  
ADOPTED**

18. Resolution to approve a contract between the Memphis and Shelby County Health Department and the Tennessee Department of Health in the amount of \$852,900.00 for the provision of general immunization and WIC immunization services for the period of July 1, 2005 – December 31, 2006, and amending the FY 2005/2006 Operating Budget.

**AVERY  
ADOPTED**

19. Resolution authorizing and approving the selling of a part of the old Bowld Hospital property by Quit Claim Deed to the University of Tennessee and granting a construction easement.

**THOMPSON  
ADOPTED**

20. Resolution amending the FY 2006 Operating Budget, approving a Juvenile Accountability Incentive Block Grant Agreement between Shelby County Government and the Tennessee Commission on Children and Youth for the term October 1, 2005 to September 30, 2006.

|                             |            |   |
|-----------------------------|------------|---|
| <b>THOMPSON<br/>ADOPTED</b> | <b>22.</b> | <b>Resolution to approve acceptance of a grant from the U.S. Department of Justice to the Shelby County Crime Victims Center under the FY 2005 Congressional Earmarked Demonstration Program in the amount of \$73,998.00 for the purpose of providing conflict resolution training for at risk students attending Northaven Elementary School and to amend the FY 2006 Operating Budget.</b> |
| <b>THOMPSON<br/>ADOPTED</b> | <b>23.</b> | <b>Resolution amending the FY 2005/2006 Operating Budget and authorizing the Shelby County Mayor to execute a grant agreement with the U.S. Department of Justice for the secure our schools grant program for federal fiscal year 2005 in the amount of \$19,976.00.</b>   |
| <b>AVERY<br/>ADOPTED</b>    | <b>24.</b> | <b>Resolution increasing the appropriation amount for Goodwill Homes Community Services, Inc., pursuant to its Head Start Delegate Contract by \$12,570.00 for the grant year January 1, 2005 through December 31, 2005.</b>  |
| <b>AVERY<br/>ADOPTED</b>    | <b>25.</b> | <b>Resolution increasing the appropriation amount for Goodwill Homes Community Services, Inc., pursuant to its Head Start Delegate Contract by \$7,052.00 for the grant year January 1, 2005 through December 31, 2005.</b>   |
| <b>AVERY<br/>ADOPTED</b>    | <b>26.</b> | <b>Resolution increasing the appropriation amount for Porter Leath Children's Center to its Head Start Delegate Contract by \$26,622.00 for the grant year January 1, 2005 through December 31, 2005.</b>   |
| <b>AVERY<br/>ADOPTED</b>    | <b>27.</b> | <b>Resolution increasing the appropriation amount for Primary Preparatory, Inc., pursuant to its Head Start Delegate Contract by \$8,817.00 for the grant year January 1, 2005 through December 31, 2005.</b>   |
| <b>AVERY<br/>ADOPTED</b>    | <b>28.</b> | <b>Resolution increasing the appropriation amount for the YMCA of Memphis and the Mid-South pursuant to its Head Start Delegate Contract by \$10,076.00 for the grant year January 1, 2005 through December 31, 2005.</b>   |
| <b>AVERY<br/>ADOPTED</b>    | <b>29.</b> | <b>Resolution to approve the amendment to the Community Services Agency's Commodities Program Operating Budget to allow maximum expenditures of funds from the contract with the Tennessee Department of Agriculture.</b>   |

## Ordinances

### Zoning and Subdivisions

**LOEFFEL  
(DEFERRED  
TO 11/21/05)**

**30. CASE NO. Z 05-114 CC**

**APPLICANT:** Hillard, Boyson & Tribble

**LOCATION:** Extending from the northern terminus of Hunter's Glade Lane to the eastern terminus of Callie Manor Drive

**REQUEST:** Taking property out of the Agricultural (AG) Use District and including it in the Single Family Residential (R-S15) Use District

**Memphis and Shelby County Office of Planning and Development recommendation:  
APPROVAL**

**Memphis and Shelby County Land Use Control Board recommendation:  
APPROVAL**

**(Notice of public hearing published in the Daily News on Friday, September 30, 2005.)**

**LOEFFEL  
ADOPTED**

**31. CASE NO. S.U.P. 05-205 CC**

**APPLICANT:** Edward T. Grinder

**LOCATION:** West side of Houston Levee Road; +/- 998 feet south of Macon Road.

**REQUEST:** Drive-In Restaurant

**Memphis and Shelby County Office of Planning and Development recommendation:  
APPROVAL WITH CONDITIONS, CONTINGENT  
UPON THE PREPARATION OF AN ACCEPTABLE  
GENERAL PLAN**

**Memphis and Shelby County Land Use Control Board recommendation:  
APPROVAL**

**(Notice of public hearing published in the Daily News on Friday, October 28, 2005.)**

**LOEFFEL  
AS AMENDED  
(DEFERRED  
TO 01/05/06)**

- 32. CASE NO. P.D. 05-345 CC**  
**APPLICANT:** Grey's Hollow, LLC  
**LOCATION:** Southeast corner of Walnut Grove Road and Bazeberry Road  
**REQUEST:** Mixed use planned development consisting of residential, office and commercial uses within the plan

**Memphis and Shelby County Office of Planning and Development recommendation:  
APPROVAL WITH CONDITIONS**

**Memphis and Shelby County Land Use Control Board recommendation:  
APPROVAL WITH CONDITIONS**

**(Notice of public hearing published in the Daily News on Friday, October 14, 2005.)**

**Reports and/or Resolutions for Standing Committees**

**KIRK  
(DEFERRED  
TO 11/21/05)**

- 33. Resolution authorizing Shelby County Government to create a program to exempt property owned by qualified senior citizens from local property taxes.**

**AVERY  
ADOPTED**

- 34. Resolution urging the Tennessee General Assembly to support common-sense medical liability reform legislation.**

**WILLINGHAM  
(DEFERRED  
TO 11/21/05)**

- 35. Resolution approving release of funds to the new Memphis Arena Public Building Authority of Memphis and Shelby County from swap proceeds custodial account for settlement of legal claims and payment of administrative expenses.**

**FORD  
ADOPTED**

- 36. Resolution to approve renewal of Disability Program with Standard Insurance Company with an increase in long term disability (LTD) rates.**

**Announcements/Statements**

**Adjournment**

**AGENDA # 9**  
**NOVEMBER 7, 2005**

**9A**

**SUBDIVISION:** CONCORD ESTATES SUBDIVISION SEC C (S 99-062 CC)

**DEVELOPER:** CONCORD LLC

**ACTION:** RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO CONCORD ESTATES SUBDIVISION SEC C (S 99-062 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED)

**LOCATION:** GERTRUDE DRIVE AND SHELBY DRIVE

**9B**

**SUBDIVISION:** GERLAND CREEK P.D. PHASE 7 (P.D. 92-349 CC)

**DEVELOPER:** WHISPER RIDGE, G.P.

**ACTION:** RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO GERLAND CREEK P.D. PHASE 7 (P.D. 92-349 CC)

**LOCATION:** N. SIDE OF E. SHELBY DRIVE, 135' E. OF GERTRUDE DRIVE

**9C**

**SUBDIVISION:** PEPPERMILL P.D. (P.D. 04-347 CC)

**DEVELOPER:** DAVID MILLER, LLC

**ACTION:** RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO PEPPERMILL P.D. (P.D. 04-347 CC) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED)

**LOCATION:** NORTH SIDE OF MACON ROAD; ±809.28 FEET EAST OF APPLING ROAD

**9D**

**SUBDIVISION:** WOODLAND HILLS II P.D., PHASE 2, (P.D. 04-343 CC)

**DEVELOPER:** COASTAL FUELS, INC.,